

REMARKS

In the Office Action of January 30, 2006, claims 1-6, 8-10, 12-17, 19-21, 23-25 and 27 were rejected under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent Application No. US 2004/0111488 A1 ("Allan"). Furthermore, claims 7, 11, 18, 22, 26 and 28 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Allan.

In response, Applicant has amended the independent claims 1, 12 and 23 to more clearly distinguish the claimed invention from the cited reference of Allan. As amended, the independent claims 1, 12 and 23 are not anticipated by the cited reference of Allan, as explained below. In view of the claim amendments and the following remarks, Applicant respectfully requests that the independent claims 1, 12 and 23, as well as the dependent claims 2-11, 13-22 and 24-28, be allowed.

A. Patentability of Independent Claims 1, 12 and 23

The Office Action has rejected the independent claims 1, 12 and 23 under 35 U.S.C. 102(e) as allegedly being anticipated by Allan. In response, Applicant has amended the independent claims 1, 12 and 23 to more clearly distinguish the claimed invention from the cited reference. As amended, the independent claim 1 recites in part *"recording graphical and functional information of said graphic elements as properties of said graphic elements are changed, said graphical and functional information including physical positional changes of said graphic elements, physical state changes of said graphic elements and actions caused by said graphic elements."* The cited reference of Allan does not disclose such limitations of the amended independent claim 1. Thus, the amended independent claim 1 is not anticipated by the cited reference of Allan.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir.

1987). The cited reference of Allan discloses a method, system, apparatus and computer program product for recordation and playback of transactions within a web browser or similar client application, as described in paragraph [0008]. A recorded transaction may be characterized as a set of one or more communication protocol actions between a client and a server, as described in paragraph [0035] of Allan. However, the cited reference of Allan does not disclose *“recording graphical and functional information of said graphic elements as properties of said graphic elements are changed, said graphical and functional information including physical positional changes of said graphic elements, physical state changes of said graphic elements and actions caused by said graphic elements”* (emphasis added), as recited in the amended independent claim 1. Since the cited reference of Allan does not disclose each element of the amended independent claim 1, Applicant respectfully asserts that the amended independent claim 1 is not anticipated by the cited reference of Allan, and requests that the amended claim 1 be allowed.

The above remarks are also applicable to the amended independent claims 12 and 23, which now recite similar limitations as the amended independent claim 1. Therefore, Applicant respectfully asserts that the amended independent claims 12 and 23 are also not anticipated by the cited references of Allan, and requests that the amended claims 12 and 23 be allowed.

B. Patentability of Dependent Claims 2-11, 13-22 and 24-28

Each of the dependent claims 2-11, 13-22 and 24-28 depends on one of the amended independent claims 1, 12 and 23. As such, these dependent claims include all the limitations of their respective base claims. Therefore, Applicant submits that these dependent claims are allowable for at least the same reasons as their respective base claims.

Applicant respectfully requests reconsideration of the claims in view of the remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,

Denny Jaeger

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By: Thomas H. Ham
Thomas H. Ham
Registration No. 43,654
Telephone: (925) 249-1300